

**CALIFORNIA DEPARTMENT OF SOCIAL SERVICES
IMMIGRATION SERVICES FUNDING
REQUEST FOR APPLICATION FREQUENTLY ASKED QUESTIONS
OCTOBER 2018**

FORMS AND INFORMATION

Q: Where can I find the application, attachments, and draft Standard Agreement to the Request for Application (RFA)?

A: The RFA, application, and attachments, including the draft Standard Agreement, can be found on the [Immigration Services](#) website under the [Immigration Services Funding](#) link in the center of the page.

GENERAL APPLICATION QUESTIONS

Q¹: Are counties or other forms of local government eligible to apply for the ISF funding?

A: No. All applicants must be nonprofit organizations that meet the requirements set forth in Section 501(c)3 or 501(c)5 of the Internal Revenue Code.

Q: What are the requirements for applicants?

A: Applicants must meet the statutory criteria in the Welfare and Institutions Code (WIC) Sections 13303-13308 in order to be considered for the respective service categories for which they are seeking funding. Please see page 14 of the RFA. It is also important to review all of the materials posted on the website for a comprehensive understanding of the application.

Q: What are the insurance requirements at the time of application?

A: Please review Exhibit E of the Standard Agreement for the insurance requirements and required Certificates of Insurance. Contractor must meet the requirements of Exhibit E prior to execution of the Standard Agreement. If the required insurances are not in place at this time, it is appropriate to research costs and availability of such policies prior to submitting an application for funding.

Q: Can a primary contractor subcontract services?

A: Yes. The primary contractor must meet all of the statutory criteria in the WIC Sections 13303-13308 for services awarded and remains fully responsible for the obligations that arise under the Standard Agreement and the work of the subcontractor. All subcontractors must be nonprofit organizations, but do not have to meet the experience threshold. Subcontractors for legal services (e.g. naturalization, DACA, OIR, Removal Defense, etc.) must be authorized to practice immigration law; they must be OLAP recognized and have accredited representatives or attorneys on staff. Every organization should explain thoroughly in their applications how they intend to adequately supervise the subcontractor. See Exhibit D of the Standard Agreement.

Q: What are the insurance requirements for subcontractors?

A: The Exhibit E insurance requirements must be met by the primary contractor and proof of insurance is required to be submitted to CDSS upon the primary contractor's submission of their signed agreement for final CDSS approval.

Q¹: Can services be subcontracted to a private attorney?

A: No. All subcontractors must be nonprofit organizations that meet the requirements set for in section 501(c)3 or 501(c)(5) of the Internal Revenue Code.

¹ New FAQ added in Fiscal Year 2018-19

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Q: Can an applicant apply for multiple regions?

A: Yes. An applicant may apply to provide services for more than one region/county. Provide the regions to be served on page 25 of the application.

Q: Is there a maximum funding amount an applicant can apply for?

A: There is no maximum amount an applicant can apply for. However, each applicant shall demonstrate in their application that they have the capacity and qualifications to provide the services for which they are applying. Applicants shall demonstrate the service needs in all the regions in which they intend to provide services.

Q: Is it allowable to count the clients served under a USCIS federal grant and also count the same clients for reimbursement through the CDSS funding?

A: Double counting is not allowable and cases counted under the CDSS funding must be unduplicated and uniquely counted.

Q: What details should be included in the requested program budget?

A: The CDSS is requesting a program budget that includes all immigration programs and all sources of funding and expenses for the program.

APPLICATION ASSISTANCE SERVICES

Q²: Does the ISF Funding cover the USCIS DACA Filing fee?

A: No. The FY 2018 - 19 ISF funding cannot be used to pay for the USCIS DACA filing fee.

Q²: Are Legal Permanent Resident (LPR) renewals included in service to obtain Other Immigration Remedies?

A: No. LPR renewals are not included in the services to obtain Other Immigration Remedies.

Q²: Does the family preparedness plan count towards education and outreach or consultation/intake?

A: Yes. The family preparedness plan counts as a consultation/intake. Refer to the scope of work for required documentation and reporting requirements under consultations.

Q²: If the family preparedness plan consultation/intake leads to other immigration remedies, does the consultation/intake counted separately from the other immigration remedy?

A: No. The other immigration remedies service includes consultation/intake and cannot be counted separately.

Q: For organizations seeking to subcontract application assistance services, are the subcontractors required to be Office of Legal Access Programs (OLAP) recognized and have accredited representatives or attorneys on staff at the time they apply for funding?

A: Yes. Subcontractors must be OLAP recognized and have accredited representatives or attorneys on staff in order to provide application assistance services. If a subcontractor is not OLAP recognized and have accredited representatives or attorneys on staff, the subcontractor cannot provide application assistance or legal services.

² New FAQ added in Fiscal Year 2018-19

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Q: For organizations seeking to provide application assistance as OLAP programs, are they required to be OLAP recognized and have accredited representatives on staff at the time they apply for funding?

A: Yes. Applicants must have three (3) years of experience handling immigration cases while authorized to practice immigration law and be recognized and accredited by the OLAP under the U.S. Department of Justice's Executive Office for Immigration Review or meets the requirements to receive funding from the Trust Fund Program administered by the State Bar of California. Visit <http://www.calbar.ca.gov/Access-to-Justice/Legal-Aid-Grants> for more details. In addition, please see page 14 of the RFA for the minimum statutory requirements for the application assistance service categories.

Q: For organizations seeking to provide application assistance, how does an organization establish that it has three (3) years of experience handling immigration cases?

A: The **applying organization** must demonstrate that it has three (3) years of experience handling immigration cases while authorized to practice immigration law. Individual staff experience handling the types of immigration issues for which the organization is applying will not be sufficient to meet the eligibility requirements if the organization also does not have the required experience.

Q: What do naturalization services include?

A: Naturalization is the manner in which a person not born in the United States voluntarily becomes a U.S. citizen and is the process by which U.S. citizenship is granted to a foreign citizen or national after he or she fulfills the requirements established by Congress in the Immigration and Nationality Act (INA). Services under the naturalization service category include N-400 application assistance, related waivers, and appeals that might arise under the process. Derivative citizenship and acquired citizenship are not naturalization processes, thus, not included in the naturalization service category. Acquired citizenship cases may be funded as a service under the DACA service categories as an "immigration remedy."

Q: Can consultation fees and application assistance fee be charged for the same client?

A: The consultation fee and the DACA or OIR service fee cannot both be charged for the same person. Example 1: Client receives consultation from CBO and no other services are provided, CBO can claim consultation. Example 2: Client receives consultation from CBO which results in OIR or DACA services, CBO cannot claim consultation fee.

REMOVAL DEFENSE

Q³: Can an organization currently receiving FY 2017-18 Removal Defense funding, apply for FY 2018-19 Removal Defense funding?

A: Yes. All applicants should consider their capacity to provide all awarded and proposed services when applying for additional Removal Defense funding.

³ New FAQ added in Fiscal Year 2018-19

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Q³: Can an organization apply for UUM services if the Contractor was awarded FY 2018 - 19 UUM Funding?

A: Yes. All applicants should consider their capacity to provide all awarded and proposed services when applying for additional UUM funding.

Q: Can a detained removal case that gets released from custody be billed as a bond case and a non-detained case?

A: The detained fee and the bond hearing fee cannot be charged for the same person.

Example 1: Client receives representation in a bond hearing from CBO and no other services are provided, CBO can claim the bond hearing fee.

Example 2: A detained client receives representation in a bond hearing from a CBO and the CBO goes on to represent the client in the removal case, the CBO may only claim the detained case fee of \$6,500 and cannot claim the bond hearing fee of \$1,500 separately.

Q: Can representation in a bond hearing be provided as an unbundled service?

A: Yes, so long as it remains permissible to do so.

Q: Would voluntary departure count as a service?

A: A case ending in voluntary departure may count as a service. The allowable fee will be determined based on the level of service provided by the nonprofit organization.

Q: Does removal defense for unaccompanied minors count as experience towards the three-year eligibility criteria?

A: Yes. All removal cases may be counted.

Q: Does the non-detained fee include all affirmative applications?

A: Yes. The fee for removal defense (detained and non-detained) includes representation in any and all available forms of relief. As an example, a nonprofit organization may not count representation of a client in removal proceedings and a U Visa as both a Removal Defense case and Other Immigration Remedies case.

Q: Can cases initiated prior to January 1, 2019 be claimed under this funding?

A: Case initiated prior to January 1, 2019 can be counted towards deliverables as long as a master calendar hearing is scheduled and it has not been funded by another source. Records of any and all services performed for a period not less than three (3) years after final payment shall be retained by the funded organization.

Q: When is the last date to initiate removal defense under this contract?

A: The contract period is from January 1, 2019 to December 31, 2020. All cases must be initiated by December 31, 2020.

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EDUCATION AND OUTREACH ACTIVITIES

Q: Can a primary contractor who applies for Education and Outreach services only, subcontract application assistance services to an organization that has an attorney or OLAP accredited representative on staff?

A: No. The primary contractor must meet the statutory criteria for any and all services awarded and remains fully responsible for the obligations that arise under the Standard Agreement and the work of the subcontractor. See Exhibit D of the Standard Agreement.

Q: What is the purpose of the education and outreach service category?

A: The purpose of the education and outreach service category is to explain eligibility for deferred action, other immigration remedies, and citizenship; to promote the benefits of deferred action, other immigration remedies, citizenship; and to refer individuals to qualified service providers who can assist with applications for deferred action, other immigration remedies, and citizenship.

Q: What is not likely to get funded under education and outreach?

A: An application that is not descriptive in identifying and explaining an intentional, targeted, and meaningful approach to engaging eligible populations for the purposes set forth in their application will not likely get funded.

Q⁴: Can applicants provide Education and Outreach relating to the proposed federal public charge rule and public benefits for immigrants?

A: Yes. Applicants can provide immediate outreach to any individual seeking information about public benefits and how participation in public benefit may impact their immigration case.

Q: What activities count as education and outreach?

A: The CDSS only funds direct engagement with individuals through one-on-one meetings or presentations. Media, including television, radio and social media, activities, efforts or campaigns are not funded by the CDSS. Examples of education and outreach activities that would not receive funding include, but are not limited to: an application that only uses a Twitter campaign which may leave out eligible populations and may not provide enough content to explain eligibility for DACA, naturalization, etc.; an application that is only proposing to use a referral line which may not adequately provide information about eligibility or connect with hard-to-reach communities; media buys; and/or a light-touch strategy that fails to “explain, promote and refer” is not likely to be funded (i.e., passing out fliers on the street or a fair is not enough). Applicants should be expected to have conversations with eligible individuals, explain and promote immigration benefits and connect potentially eligible individuals with qualified services. The given examples alone would not be enough, but they could form pieces of a comprehensive strategy.

Q: Is Attachment B required for applicants only seeking funding under the Education and Outreach service category?

A: No. Attachment B is not required if an applicant is only applying to provide education and outreach services.

⁴ New FAQ added in Fiscal Year 2018-19

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Q: Is an applicant required to have professional liability insurance if they are only applying for education and outreach services?

A: Professional liability insurance is not required if the applicant is only applying for education and outreach.

Q: Does education and outreach include English as a Second Language (ESL) courses and programs?

A: No. Education and outreach activities under this RFA refers to activities that are aimed at explaining and promoting deferred action, other immigration remedies, and citizenship, as well as providing referrals to individuals so that they can get application assistance from qualified nonprofits.

Q: How does CDSS plan to support contractors that are funded to conduct education and outreach activities for hard-to reach communities?

A: The CDSS understands that not all communities can be reached in the same way, which may require varying strategies and efforts. In the application for funding, applicants are encouraged to describe any barriers to connecting with hard-to reach communities. If awarded funding, contractors will be given the opportunity to explain challenges and address any needed changes in strategy.

Q: What are acceptable forms of documentation that would corroborate people reached through education and outreach activities?

A: Acceptable forms of supporting documentation for education and outreach activities and people reached can include, but are not limited to, event fliers, sign-in sheets, evaluations, referrals to application assistance providers, letters from host organizations confirming number of attendees, receipts for expenses related to reserving venues and travel costs, social media announcements, media reports, etc.

LEGAL TRAINING AND TECHNICAL ASSISTANCE

Q: Is OLAP training and getting individuals OLAP certified a fundable Legal Training and Technical Assistance (LTTA) activity under this application?

A: Generally speaking, capacity building and technical assistance can be funded under the application.

Q: Who can attend the LTTA trainings under this application?

A: The LTTA offerings are required to be prioritized for CDSS funded organizations, volunteers, and subcontractors of those organizations. In an instance where extra space is available above and beyond CDSS funded organizations, volunteers, and subcontractors of those organizations, the LTTA contractor may fill the space with non-CDSS funded organizations or individual.

Q: What constitutes unique and unduplicated training-related material?

A: Unique and unduplicated refers to any material that has not previously been developed and delivered to the CDSS audience. If previously developed content is revised with any change of substance (i.e., change in policy or change in case law leading to a change in strategies) it constitutes unique and unduplicated material. A training, with no substantial changes, held twice in one contract term cannot be both claimed as two unique and duplicated activities.

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Q: Could you provide examples of the length and depth of materials that would qualify as a resource?

A: Please review the definition of the LTTA activities in the Request for Application (page 11 - Legal Training and Technical Assistance).

Q: What are CDSS' LTTA priorities?

A: The CDSS' LTTA priorities are focused on enhancing the capacity of organizations to provide legal representation. Priorities include trainings on immigration law, changes in immigration, changes in policy that may impact legal immigration representation, or trainings on strategy on how to reach underserved or unique immigrant communities.

Q⁵: Can applicants conduct LTTA activities related to the proposed federal Public Charge rule?

A: Yes. Applicants can develop targeted LTTA activities related to the proposed federal Public Charge rule.

⁵ New FAQ added in Fiscal Year 2018-19